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SUBDIVISION OF LAND

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[HISTORY: Adopted by the Town Commissioners of the Town of Charlestown 5-28-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission - See Ch. 34.
Building construction - See Ch. 61.
Floodplain management - See Ch. 98.
Forest conservation - See Ch.102.
Grading, erosion and sediment control - See Ch.107

Sewers – See Ch. 137
Solid waste – See Ch. 142
Water – See Ch. 171
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ARTICLE I

General Provisions

§ 150-1. Statutory authority.

The town is empowered to administer and enforce the provisions of this chapter pursuant to the authority and provisions of Article 66B, § 5.01 et seq., of the Annotated Code of Maryland, 1957 Edition, as amended.

§ 150-2. Title.

This chapter may be cited as the "Subdivision Regulations."

§ 150-3. Purpose.

- A. The purpose of these regulations is to regulate and control the division of land within the town in order to promote the public health, safety, morals and general welfare of the town.
- B. The division of land shall be controlled in order to:
 - (1) Assure sites suitable for building purposes and human habitation and to provide for the harmonious development of the town.
 - (2) Coordinate existing streets with proposed streets.

- (3) Ensure adequate open space for traffic, recreation, light, air and fire-fighting apparatus.
- (4) Further the orderly and appropriate development of land.
- (5) Regulate the flow of traffic in the streets and highways.
- (6) Facilitate adequate provision for transportation, water, sewerage, schools, parks and other public facilities.
- (7) Establish requirements for the equitable allocation of the costs of installing streets, utility systems and other improvements.
- (8) Establish uniform standards for the design, survey, approval and recording of plats of land subdivision.
- (9) Give effect to the policies and proposals of the Comprehensive Development Plan for the town.
- (10) Ensure that public improvements are available and will have sufficient capacity to service the proposed subdivision.
- (11) Provide for the adequate and convenient placement of sites for public purposes.
- (12) Guide future growth in accordance with the Charlestown Critical Area Program. [Added 5-24-1988]
- (13) Protect wetlands, streams, areas of steep slopes, highly erodible soils (and soils with other development constraints), shorelines and plant and wildlife habitats. [Added 5-24-1988]

§ 150-4. Applicability; interpretation.

- A. These regulations shall apply to all land located within the incorporated area of the town.
- B. The provisions of these regulations shall be held to be minimum requirements to meet the stated purpose and intent of these regulations. Where the provisions of these regulations impose greater restrictions than those of any statute, other regulation or ordinance, the provisions of these regulations shall prevail. Where the provisions of any statute, other regulation or ordinance impose greater restrictions than those of these regulations, the provisions of such statute, regulation or ordinance shall prevail.

§ 150-5. Definitions.[Amended 5-24-1988; 1-3-1991 by Ord.No.90-2]

The following definitions and rules shall be observed in this chapter. Definitions applicable to the Charlestown Critical Area shall be the same as those contained in Chapter 175, Zoning.

ALLEY — A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

APPLICANT - Any person who submits to the Board of Commissioners and the Planning Commission subdivision plans for the purpose of obtaining approval for such plans.

BUILDING – A structure having a roof which is used or intended to be used for the shelter or enclosure of persons, animals or property. The word “building” shall include any part of such a structure.

BUILDING SETBACK LINE - The rear line of the minimum required front yards. The building setback line shall be measured from the future right-of-way line.

CECIL COUNTY ROAD CODE – The Cecil County Department of Public Works, Road Code and Standard Specifications, current edition or revision.

COMMISSION AND PLANNING COMMISSION – The Planning Commission.

COMMISSIONERS AND BOARD OF COMMISSIONERS - The Town Commissioners.

EASEMENT - A grant of the use of a parcel of land to the use of the public, a corporation or person for a specific purpose, without including title to the land.

IMPROVEMENTS - Those physical additions, installations and changes, such as streets, curbs, sidewalks, water mains, sewers and drainage facilities, for the use proposed.

LOT – A plot or parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way.

MAINTENANCE GUARANTY-Any security which may be accepted by the town to ensure that improvements will be kept in good condition for a designated period and includes corporate bonds, escrow agreements and other similar agreements acceptable to the Town.

PLAT - A site drawing meeting all of the requirements of the Cecil County Land Records Office.

RESUBDIVISION - Any change affecting a lot line as shown in a recorded plat.

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by a street, alley, crosswalk, sanitary or storm sewer or drainage ditch or for another special use. The usage of the term "right-of-way" for land plotting purposes in the town shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from lots or parcels adjoining such right-of-way and not included with the dimensions or areas of such lots or parcels.

RIGHT-OF-WAY, FUTURE:

- A. The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.
- B. A right-of-way established to provide future access to or through undeveloped land.

STREET - A public or private way used or intended to be used for passage or travel by automotive vehicles and pedestrians and to provide access to abutting properties. Streets are classified according to the function they perform as follows:

- A. **ARTERIAL STREET**- Designed for large volumes and high speed traffic with access to butting properties restricted.

- B. MAJOR COLLECTOR ROAD - Any Road which serves to carry traffic to or from several minor roads and connects them to other collector roads or to arterial highways, usually does not serve the primary function of providing access to abutting properties, and serves more than 300 but not more than 500 residential lots, or handles a traffic volume of more than 3,000 ADT but not more than 5,000 ADT.
- C. MINOR COLLECTOR ROAD - Any Road which serves to carry traffic to or from arterial highways, and serves 50 to 300 residential lots or handles a traffic volume of 500 to 3,000 ADT.
- D. MINOR ROAD – Any road which is primarily used to serve local traffic, and services a maximum of 50 residential lots or handles a traffic volume of less than 500 ADT.
- E. CUL-DE-SAC STREET — A local street intersecting another street at one end and terminating in a vehicular turnaround at the other.

STREET LINE — The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that where a future right-of-way width for a street has been officially established, the street line shall be the site of the future right-of-way so established.

SUBDIVISION:

- A. The division of a single lot, tract or parcel of land or part thereof into two or more lots, tracts or parcels of land.
 - (1) Legislative intent. Within the authority granted by Article 66B of the Annotated Code of Maryland, the above definition of "subdivision" includes:
 - (a) Land offered for sale by a single developer or group of developers acting in concert. Where such land is contiguous or is known, designated or advertised as a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being for sale as part of a common development plan.
 - (b) Any development of a parcel of land which involves the installation of streets, driveways or alleys (for example, a shopping center, industrial park or apartment project), even though such vehicle accessways may not be dedicated to the town, or the lot tract or parcel may not be divided for the purpose of conveyance, transfer or sale.
- B. The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- C. The term "subdivision" shall also include the construction of any multifamily dwellings, apartments or commercial facilities of more than one unit, which will not be subdivided within the normal meaning of that term and which are intended to be leased or rented.

SUBDIVISION, MINOR - The division of a single lot, tract or parcel of land, existing at the time of the original adoption of these regulations, into four or fewer lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership of a building development, provided that the proposed lots, tracts or parcels of land thereby created have frontage on an improved public street or streets, and provided further that there is not created by the subdivision any new street or streets.

§ 150-6. Compliance required.

- A. It shall be unlawful for the owner of any land within the jurisdiction of the town to which these regulations may apply or any other person, firm, or corporate to subdivide any lot, tract or parcel of land or lay out, construct, open or dedicate for public use or travel any street, sanitary sewer, storm sewer, drainage facilities or other facilities in connection therewith or for the common use of occupants of buildings within the subdivision, unless and until:
- (1) A plat of such subdivision is caused to be made in accordance with the regulations set forth in this chapter.
 - (2) Approval is secured for that purpose from the Planning Commission as provided herein.
 - (3) The applicant has caused copies of said plat to be recorded in the office of the Clerk of the Court of Cecil County.
- B. Transfer of land; issuance of building permits.
- (1) No land in a subdivision created after the adoption of these regulations shall be transferred, sold or offered for sale nor shall a building permit be issued for a structure thereon until a final plan of such subdivision shall have been recorded in accordance with these regulations and the provisions of the state and until the municipal improvements required in connection with the subdivision have either been constructed or guaranteed as provided in this chapter.
 - (2) No building depending upon public water and sewerage facilities shall be permitted to be occupied before such facilities are fully provided and operational.

ARTICLE II**Administration and Enforcement****§ 150-7. Administration.**

- A. As provided by Article 66B of the Annotated Code of Maryland, 1957 Edition, as amended, the authority to approve subdivision plats pursuant to the regulations in this chapter is vested in the Town Planning Commission.
- B. The Zoning Administrator is designated as the person to receive and process applications for development and performing other duties as specified hereinafter.

§ 150-8. Cecil County Technical Advisory Committee (TAC).[Amended 1-3-1991 by Ord. No.90-2]

All major and minor (when required) subdivision plats submitted to the Planning Commission, both preliminary and final, shall be referred to the Cecil County Technical Advisory Committee (TAC) before any action will be taken by the Planning Commission. The subdivider may appear before the TAC to present his plans to that group. The TAC shall make recommendations and give aid and advice to the Planning Commission as a result of its hearings on any plat submitted to it.

§ 150-9. Fees.[Amended 1-3-1991 by Ord.No.90-2]

Fees to cover the cost of considering, examining and checking the several plats and plans required herein and for recording the final plat in the Town Hall shall be as set forth by resolution of the Town Commissioners. These fees shall become effective 20 days after approval of the resolution. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Town Commissioners. Other costs, such as inspection and approval of improvements, shall be borne by the developer-owner, as set forth in the public works agreement required by § 150-51B of this chapter.

§ 150-10. Violations and penalties.

- A. As provided in § 7.01 of Article 66B of the Annotated Code of Maryland, 1957 Edition, as amended, a violation of this chapter is declared to be a misdemeanor.
- B. The owner or agent of the owner of any land located within a subdivision who transfers or sells or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the Planning Commission and recorded or filed in the office of the Clerk of the Circuit Court of Cecil County, Maryland, shall forfeit and pay a penalty of not less than \$100 nor more than \$500 for each lot or parcel so transferred or sold or agreed or negotiated to be sold, and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- C. The Commissioners shall enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

§ 150-11. Amendments.

- A. The Commissioners may from time to time amend, supplement or change, by ordinance, the regulations herein established. Any such amendment or change may be initiated by resolution of the Commissioners or by motion of the Planning Commission. Before taking action on any proposed amendment or change, Commissioners shall submit the same to the Planning Commission for its recommendations and report. Failure of the Planning Commission to report within 60 days after its first meeting subsequent to the proposal being referred shall be deemed approval by the Planning Commission.
- B. The Planning Commission may hold a public hearing on any proposed amendment or change before submitting its report to the Commissioners. Notice of such public hearing before the Planning Commission shall be given at least 15 days prior to the hearing by publishing the time, place and the nature of the hearing in a newspaper having general circulation in the town. The published notice shall contain reference to the place or places within the town where the full text of the proposed amendment or changes may be examined.

- C. Before approving any proposed amendment or change, the Commissioners shall hold a public hearing thereon as provided in §5.03 of Article 66B of the Annotated Code of Maryland, 1957 Edition, as amended, notice of said hearing to be accomplished by publication in a newspaper as prescribed above.

§ 150-12. Appeals. [Amended 1-3-1991 by Ord.No.90-2]

Any person aggrieved or any officer, department, board or bureau of the town affected by any decision of the Planning Commission may file an appeal with the Board of Appeals (and the Circuit Court), in accordance with the procedures set forth in Chapter 175, Zoning, Article V, Board of Appeals, of this Code.

§ 150-13. Severability.

It is hereby declared to be the legislative intent that the provisions of this chapter are separable, whereby:

- A. If a court of competent jurisdiction declares any provision of this chapter to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the provision expressly stated in the courts decision, and all other provisions of this chapter shall continue to be separately and fully effective, the Commissioners hereby declaring that they would have adopted the remaining provisions without the word, phrase, clause, items, sentence, paragraph or section or the application thereof so declared invalid.
- B. If a court of competent jurisdiction finds the application of any provision of this chapter to any lot, building or other structure or tract of land to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the court's decision, and the application of any such provision to other persons, properties or situations shall not be affected thereby.

ARTICLE III
Standards

§ 150-14. Suitability of land.

In order to provide for the health, safety and welfare of the present and future population of the town, the Planning Commission shall refuse to approve any proposed subdivision when such subdivision would bring about the development of land which is unsuitable for such development due to flooding, lack of drainage, excessive erosive action by water, unstabilized slope or fill or other conditions which may cause danger to life, health or property or aggravate erosion or flood hazards.

§ 150-15. Minimum requirements; modifications.[Amended 1-3-1991 by Ord.No.90-2]

The standards and requirements outlined here shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.

§ 150-16. General requirements.

- A. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- B. Where trees, groves, waterways, scenic points, historic spots or other town assets and landmarks are located within a proposed subdivision, every possible means shall be provided to preserve these features.
- C. Land subject to flooding or property and land deemed to be topographically unsuitable shall not be subdivided or developed for residential occupancy or for such other use as may endanger health, life or property or aggravate erosion or flood hazards until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the final plats.

§ 150-17. Streets.

- A. Generally.
 - (1) The arrangement, character, extent, grade and location of all streets shall conform to the Transportation Plan of current adoption and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
 - (2) Proposed streets shall further conform to such state plans for streets and highways as have been prepared.
 - (3) Where such is not in the Transportation Plan, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.
 - (4) Streets that are extensions of or obviously in alignment with existing streets shall bear the names of existing streets.
 - (5) If a portion of a tract is not subdivided, suitable access to street openings for eventual subdivision of the entire tract shall be provided.
 - (6) Stub streets shall be extended to abutting property lines and temporary easements for turnarounds provided.
 - (7) With approval of the Board of Commissioners, private streets and accessways may be retained in private ownership. Such private streets or accessways shall, however, meet minimum specification and design standards of the regulations.
 - (8) Where it is desirable, in the opinion of the Planning Commission, to provide street access to adjoining property, proposed streets shall be extended to the boundary of such property.

- (9) Where an existing or proposed town street or right-of-way borders the property, the developer must build or improve that portion of the street, curb, gutter and sidewalk which abut the property to the current standard. The street, curb, gutter and sidewalk will be built to the requirements in Article V, Specifications and Design Standards. [Added 10-13-1987 by Ord. No. 87-2]

B. Street standards.

- (1) Where a subdivision abuts or contains an existing street of inadequate right-of-way width, a right-of-way width as required by Article V, Specifications and Design Standards, shall be indicated on the plat and offered for dedication.
- (2) The minimum design features of all streets in a proposed subdivision shall be as required by the specifications in Article V.

§ 150-18. Intersections.

- A. Intersections shall be designed to meet the requirements of the Cecil County Road Code.

§ 150-19. Blocks.

- A. Blocks shall be designed to assure traffic safety and ease of traffic control and circulation.
- B. Whenever practicable, blocks shall be of such width as to provide two tiers of lots.

§ 150-20. Lots.

- A. All lots shall abut on a street.
- B. In general, side lot lines shall be at right angles or radial to the street line.
- C. Double or reverse frontage lots may be allowed by the Planning Commission to provide separation of residential development and to overcome specific disadvantages of topography or other features of the proposed subdivision tract.
- D. Unless clearly impracticable, no lot shall have direct vehicular access to an abutting arterial street, provided, however, that where such direct access cannot be avoided, such lots shall have adequate vehicular turnaround space, no part of which shall lie within the present or future street right-of-way area.
- E. Lots excessively deep in relation to width or lots excessively irregular in shape are to be avoided. A proportion of less than twice the width to depth shall be considered a proper maximum.

§ 150-21. Culs-de-sac.

- A. In order to promote the interconnected rectilinear nature of the Town's existing street system, the use of cul-de-sac streets shall be prohibited, except the Planning Commission may allow the use of a cul-de-sac street due to physical constraints such as topography, streams, wetlands or other sensitive areas.
- B. Where permitted by the Planning Commission, a maximum length of 300 feet will be allowed for the cul-de-sac. This is to be measured from the center of the intersection with the through road to the center of the cul-de-sac. The minimum diameter permitted for any cul-de-sac shall be 100 feet or the minimum turning radius of the required design vehicle, whichever is greater.

§ 150-22. Standards for development in Critical Area. [Added 5-24-1988]

In addition to other provisions of Chapter 175, Zoning, the following will apply to all subdivision of land located within the Charlestown Critical Area as defined by the Charlestown Critical Area Program and the Chesapeake Bay Critical Area Law and Criteria:

- A. Where a tract of land bordering tidal water, tidal wetlands or tributary streams in the Critical Area is to be subdivided and is not in a Buffer exemption area, a Buffer of at least 100 feet shall be established in natural vegetation (except areas of the Buffer which are planted in vegetation where necessary to protect, stabilize or enhance the shoreline). No development, including septic systems, impervious surfaces, parking areas, roads or structures, are permitted in the Buffer. However, approved development or expansion of water-dependent facilities, as defined in Chapter 175, Zoning, are excepted from these Buffer provisions.
- B. The Buffer will be expanded to include contiguous sensitive areas whose disturbance or development the Planning Commission determines may impact streams, wetlands or other aquatic environment. The expanded Buffer must be shown on plans required for such development or activities. "Sensitive areas" are defined as follows:
 - (1) Hydric soils and soils with hydric properties as designated by the Soil Conservation Service;
 - (2) Highly erodible soils with a K value greater than 0.35; and
 - (3) Steep slopes greater than 15%.
- C. The Buffer shall be expanded according to the following rules:
 - (1) When the site of the proposed land disturbance drains to a slope greater than 15% contiguous to the Buffer, the Buffer shall be expanded four feet for every percent of slope or to the top of slope, whichever is greater, but in no case more than 10 feet beyond the top of the slope greater than 15%.
 - (2) The Buffer shall be expanded to the upland limit of adjacent hydric soils, soils with hydric properties and erodible soils in the Critical Areas.
- D. All subdivisions in the Charlestown Critical Area shall be subject to the habitat protection area criteria and guidelines prescribed in the Charlestown Chesapeake Bay Critical Area Program.

- E. The subdivider shall be required to identify stormwater management practices appropriate to site development which achieve the following standards:
- (1) In areas designated "Intensely Developed Area" on the Charlestown Critical Area Map, the subdivider shall demonstrate that the best management practices for stormwater assure a ten-percent reduction of predevelopment pollutant loadings. (See the Stormwater Management Ordinance for computation methodology.) If these practices do not reduce pollutant loadings by at least 10% below the level of pollution on the site prior to development, then offsets shall be provided. In the case of new development, offsets as determined by the Planning Commission shall be provided that produce pollutant loadings equivalent to at least 10% of the predevelopment levels.
 - (2) The subdivider shall delineate those site areas not covered by impervious surfaces to be maintained or established in vegetation. Where vegetation is not proposed, the developer shall demonstrate why plantings for such portions of the site are impracticable. Types of planting and vegetation proposed shall be in accordance with guidelines established as part of the Local Critical Area Program.
 - (3) The subdivision shall be designed to assure that those features or resources identified as Habitat Protection Areas are afforded protection as prescribed in the habitat protection element of the Charlestown Critical Area Program.
- F. In Limited Development Areas (LDA's), roads, bridges and utilities serving lots shall be located to avoid disturbances to habitat protection areas. When no alternative exists and such infrastructure must cross or be located in habitat protection areas, the developer shall demonstrate how impacts to habitats have been minimized and that no feasible alternative location of such infrastructure exists.
- G. In LDA's, all roads, bridges, lots or other development which cross or are located adjacent to tributary streams in the Critical Area shall:
- (1) Be designed in a manner to reduce increases in flood frequency and severity.
 - (2) Provide for the retention of natural streambed substrate.
 - (3) Minimize adverse impacts to water quality and stormwater runoff.
 - (4) Retain existing tree canopy so as to maintain stream temperature within the normal variation.
- H. Lots and open space areas shall be located and designed to provide for maintenance of existing site wildlife and plant habitats and continuity with those on adjacent sites. Existing wildlife corridors shall be identified on proposed development plats. When wildlife corridors exist or are proposed, they shall include any existing habitat protection areas and connect large forested areas on or adjacent to the site.
- I. Impervious surfaces in subdivisions located in the Limited Development Area (LDA) of the Charlestown Critical Area shall be limited to 15% of the gross site area proposed for development, except that impervious surfaces on any lot not exceeding one acre in size in a subdivision approved after June 1, 1986, may be up to 25% of the lot.

§ 150-23. Other requirements.

All street signs, stormwater drainage systems, public sanitary sewers, public water-supply systems and sidewalks shall be provided and constructed in accordance with Article V, Specifications and Design Standards.

ARTICLE IV
Required Improvements

§ 150-24. Purpose.

- A. The purpose of this article is to establish and define the public improvements which will be required to be constructed by the applicant as a condition for final plat approval.
- B. All construction shall be completed in accordance with the specific conditions of the commitment and the accepted drawings and specifications and in the manner acceptable to the Board of Commissioners, Planning Commission and other applicable officials.

§ 150-25. Plan revisions.

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Planning Commission with the advice of the Town Engineer shall be secured before the execution of such changes. A revised improvement plan with the approved changes shall be submitted to the town prior to final acceptance of the construction.

§ 150-26. Maintenance.

Adequate provisions for the satisfactory maintenance of all streets shall be made prior to dedication to and acceptance for maintenance by the town.

§ 150-27. Streets.

- A. The construction of streets as shown upon final plats and as contained in contract agreements shall in every respect conform to such requirements as the Board of Commissioners may by resolution require for the construction of streets in the town. These requirements shall be known as the "Specifications and Design Standards for Streets, Roads and Improvements" (Article V) and are hereby incorporated as part of these regulations, including such changes as the Board of Commissioners may from time to time adopt by resolution. The minimum requirements of all subdivisions shall be governed by that resolution in effect at the time of the approval of the applicant's final plat.
- B. All streets shall be constructed in accordance with the roadway improvement plans approved with the final plat.

§ 150-28. Signs.

The owner shall erect at every intersection a street sign or street signs bearing the names of the intersecting streets. At intersections where streets cross, there shall be at least two such street signs.

§ 150-29. Stormwater drainage.

The owner shall construct stormwater drainage facilities in order to prevent erosion, flooding and other hazards to life and property.

§ 150-30. Water.

- A. Every lot created pursuant to these regulations shall be served with Town water.
- B. All water systems shall be designed in accordance with the Town of Charlestown Standard Specifications for Design and Construction of Water Distribution System and Appurtenances.
- C. The water system shall become part of the public system without cost to the town.

§ 150-31. Public sanitary sewers.[Amended 1-3-1991 by Ord.No.90-2]

- A. Every lot created pursuant to those regulations shall be served by public sewer.
- B. All sewer systems shall be designed in accordance with the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains.
- C. The sanitary sewer system shall become a part thereof without cost to the town.

§ 150-32. Other requirements.[Amended 10-13-1987 by Ord. No. 87-2; 1-3-1991 by Ord. No. 90-2]

Specifications for street signs, storm sewer systems, public water supply, public sanitary sewers, monuments, curbs, sidewalks and grading shall be provided for in Article V, Specifications and Design Standards.

§ 150-33. Community facilities.

- A. Where deemed essential by the Planning Commission, particularly in residential planned communities, the Commission may require reservations for the common use of all property owners in the proposed subdivision, of suitable land for parks, playgrounds, schools and other neighborhood purposes.
- B. The Planning Commission shall require that land be reserved for parks and playgrounds or other recreation purposes in locations designated in the Comprehensive Plan or otherwise where such reservations would be appropriate. Each reservation shall be of suitable size, dimension, topography, and general character and shall have adequate road and pedestrian access for the particular purposes envisioned by the Planning Commission. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreation Purposes."

- C. Where the subdivision contains park areas or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are of such character that the town or other public agency does not desire to maintain them, then provision shall be made by trust agreements for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. Such trust agreements shall be a part of the deed restrictions and shall be acceptable to the Planning Commission.

ARTICLE V
Specifications and Design Standards

§ 150-34. Streets.

- A. Streets shall be designed in accordance with the Cecil County Road Code, the American Association of State Highway and Transportation Officials (AASHTO) and Maryland State Highway Administration (MD-SHA) standards and specifications except as noted in this section. When a conflict exists between the three standards and specifications the stricter criteria shall be utilized.
- B. The minimum roadway cross section design features of all streets shall be in accordance with the Cecil County Road Code except for minor roads as follows:

| Design Feature | Distance (ft.) |
|---|-----------------------|
| Minimum right-of-way width | 50 |
| Minimum width of each traffic lane | 10 |
| Number of parking lanes | 2 |
| Minimum width of parking lanes | 8 |
| Minimum width of landscape strip between sidewalk and roadway | 3 |

For redevelopment projects, the Planning Commission may allow deviation from this section's requirements due to right-of-way constraints.

- C. Street grading.
 - (1) A minimum vertical grade of 1% shall be established on all streets.
 - (2) Maximum vertical grade shall not exceed 10%.
 - (3) The landscape area within the rights-of-way shall be graded to a maximum slope of 2%. This requirement may be modified if the application of this standard would result in undue destruction of trees.

§ 150-35. Drainage.

- A. Any subdivision plan submitted to the Planning Commission shall indicate the drainage pattern for the subdivided tract or parcel and shall include provisions for storm drainage.
- B. No subdivision plan will be approved by the Planning Commission until it has been reasonably and adequately proven to the Town Engineer and the Planning Commission that the subject subdivision will create no flooding or water conveyance hazard for abutting property owners, upstream or downstream property owners or the general public.
- C. Drainage devices shall be constructed in accordance with plans approved by the Town Engineer.
- D. Any subdivision plan submitted to the Planning Commission shall be consistent with the Town Stormwater Management Regulations.

§ 150-36. Cuts and fills.

All cuts and fills shall be at a slope no steeper than 2 to 1.

§ 150-37. Sidewalks and curbs.

- A. All curbs shall be poured with 3000-PSI concrete, and shall be constructed by the method shown as "monolithic pour" in conjunction with the construction of sidewalks as hereinafter set forth in the following paragraph. Said curbs shall be eight inches in width and 24 inches in depth.
- B. Construction of sidewalks are required in all subdivisions, on both sides of all streets, by all developers and property owners. They shall be poured with 3000-PSI concrete over a three-inch gravel base and shall be four feet in width, including the width of curbing required above. Sidewalks are to be scribed in four-foot squares, with expansion joints no more than six feet apart coinciding with the four-foot markings in the sidewalk. Expansion joints are to be set 1/4 inch below the surface of the sidewalk and are to be of one-half-inch thick performed bituminous material.
- C. Where a driveway entrance crosses over a sidewalk, that portion of the sidewalk shall be a minimum of six inches thick, reinforced with No. 8 six-by-six-inch wire mesh and shall also have a three-inch gravel base.
- D. Pedestrian crosswalks with accessible ramps shall be required at all intersections and where deemed essential to provide circulation or access to schools, parks and other community facilities.

§ 150-38. Landscaping.

- A. It will be the responsibility of the developer to landscape all public rights-of-way which are contained in the proposed development. A minimum of one tree per each 35 feet of linear roadway will be required. The preservation of existing trees along the right-of-way will compensate for the required new plantings.
- B. All parking areas shall be landscaped with trees planted at a rate of not less than one tree per 1,250 square feet of gross parking area.

- C. All landscaping plans shall be reviewed and approved by the Town Engineer and the Planning Commission.

§ 150-39. Streetlighting.

The developer shall prepare a street lighting plan which shall include location of lighting, the method of installation and an estimation by the lighting engineer of the illumination provided by such plan. The plan must be submitted to the Planning Commission for approval and the developer must bear all cost of installation.

§ 150-40. Public utilities.

The subdivider shall place or cause to be placed underground, extensions of electric, cable and telephone distribution lines necessary to furnish permanent residential electric, cable and telephone service to new detached, semidetached, group, town house or single-family residences within a new residential subdivision or to new apartment buildings in accordance with the rules and regulations of the Public Service Commission of Maryland, and subject to the further order of that Commission. The subdivider shall bear all costs of such underground installations.

§ 150-41. Off-street parking.

- A. Applicability. Every subdivision plan which shall be submitted to the Planning Commission for approval shall provide off-street parking space and facilities in accordance with the requirements of Chapter 175, Zoning.
- B. Design.
- (1) Parking spaces and all access and maneuvering space for off-street parking shall be surfaced and maintained with a dustless, all-weather material, except for single-family and two-family dwellings.
 - (2) Every parking facility shall have a safe and efficient means of vehicular access to a recorded street.
 - (3) No driveway serving a parking facility shall be closer than five feet from a side property line.
 - (4) No motor vehicle shall be parked in any yard or court closer than 10 feet to any door, window or other opening of a dwelling, institution or other property.
 - (5) In the design of off-street facilities for multiple dwellings, the public right-of-way shall not be obstructed by the use of the same as aisle or maneuvering space. Each off-street parking facility shall provide sufficient maneuvering space within the boundaries of the lot or lots on which it is located and shall be so designed that no unreasonable difficulty or inconvenience will be entailed in making necessary maneuvers for parking and removing a vehicle. Maneuvers shall not entail driving over any other required parking space. The layout of parking areas shall conform to the minimum dimensions for spaces and accessways.

- (6) Each parking facility shall be so designed that ingress or egress to a parking space entails no backing maneuver across a sidewalk or established footway nor a backing maneuver into or from the public right-of-way.
- (7) Neither the turnaround diameter of a cul-de-sac or a rotary nor the turn-slot or a T-type cul-de-sac shall be used for the parking of vehicles.
- (8) In a multifamily residential subdivision, no parking area shall exceed 108 feet in length, and no portion of a motor vehicle shall be closer than 20 feet from the right-of-way line of a public street.
- (9) Any fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjacent residential sites, institutional sites and public roads.
- (10) Off-street parking facilities shall be screened by a wall, a fence or compact planting when adjoining the side or rear lot line. Screening shall be at least 3 ½ feet high. Screening shall not be so placed or maintained as to constitute a traffic hazard by obstruction of visibility.
- (11) Entrance from public or private streets shall conform to the following dimensions:
 - (a) One-way traffic entrances shall not be less than 17 feet in width.
 - (b) Two-way traffic entrances shall not be less than 24 feet nor more than 35 feet in width. Such entrances shall not be less than 15 feet apart.
 - (c) Monumental entrances shall be provided with a six-foot-wide median, and the traffic lanes shall not be less than 17 feet in width.
 - (d) All entrances shall not be less than 7-1/2 feet from a side lot line.

§ 150-42. Refuse collection.

- A. In a residential subdivision, if refuse is to be collected at points exterior to a structure, such points shall be shielded from view on three sides by screening and landscaping and placed on a pad of concrete where necessary.
- B. In a residential subdivision, if refuse is to be collected at points within a structure, the marginal notes to the subdivision plan shall so indicate.
- C. In a commercial or industrial subdivision, refuse storage and collection points shall be housed in containers and shielded from view by screening or landscaping, or both.
- D. The developer shall submit a resume for refuse collection.

§ 150-43. Park and recreation standards.

- A. When recreation areas are required, the Planning Commission shall determine the number of acres to be reserved from the following table which has been prepared on the basis of providing three acres of recreation area for every 100 dwelling units. The Planning Commission may refer such proposed reservations to the local government official or department in charge of parks and recreation for recommendation. The developer shall dedicate all such recreation areas to the Town as a condition of final subdivision plat approval. At the discretion of the Board of Commissioners,

any required recreation areas may be retained by a homeowners' association per Section 150-33.C. of these regulations.

(1) Table of Recreation Requirements.

(a) Single-family dwellings.

| Single Family Lots (square feet) | Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes (percent) |
|-------------------------------------|--|
| 80,000 and greater | 2.0% |
| 50,000 | 3.0% |
| 40,000 | 3.5% |
| 35,000 | 4.0% |
| 25,000 | 6.0% |
| 15,000 | 8.0% |

(b) Multifamily and high-density residential. The Planning Commission shall determine the acreage for reservation based on the number of dwelling units per acre to occupy the site as permitted by Chapter 175, Zoning.

- B. Minimum size of park and playground reservations. In general, land reserved for recreation purposes shall have an area of at least two acres. When the percentages from the table above would create less than two acres, the Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. Where recreation land in any subdivision is not reserved or the land reserved is less than the percentage in the table, the provisions of this subsection shall be applicable.
- C. Recreation sites. Land reserved for recreation purposes shall be of character and location suitable for use as a playground, playfield or for other recreation purposes and shall be relatively level and dry and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet in depth. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the local government official or department in charge of parks and recreation for a recommendation. All land to be reserved for dedication to the local government for park purposes shall have prior approval of the governing body and shall be shown marked on the plat: "Reserved for Park and/or Recreation Purposes."
- D. Alternative procedure: Money in lieu of land. Where, with respect to a particular subdivision, the reservation of land required pursuant to this section does not equal the percentage of total land required to be reserved in this section, the Planning Commission shall require, prior to final approval of the subdivision plat, that the applicant deposit with the governing

body a cash payment in lieu of land reservation. Such deposit shall be placed in a Neighborhood Park and Recreation Improvement Fund to be established by the governing body. Such deposit shall be used by the local government for improvement of a neighborhood park, playground or recreation area, including the acquisition of property. Such deposit must be used for facilities that will be actually available to and benefit the persons in said subdivision and be located in the general neighborhood of the subdivision. The Planning Commission shall determine the amount to be deposited, based on a formula as adopted by the Board of Commissioners.

§ 150-44. Street signs.

- A. Improvements required. The subdivider shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two such street signs, and at the intersections where one street ends or joins with another street, there shall be at least one such street sign.
- B. All street signs shall be constructed in accordance with the Cecil County Road Code.
- C. Street names. The subdivider may recommend, as shown on the preliminary plat, the names for the various streets in a subdivision. The Planning Commission shall review the same and submit its recommendation thereon to the Commissioners, who shall approve, reject or change the names of proposed streets in their discretion.

§ 150-45. Sewage disposal systems.[Amended 1-3-1991 by Ord. No.90-2]

Sewage disposal systems shall be constructed in accordance with Chapter 137, Sewers.

§ 150-46. Water. [Amended 1-3-1991 by Ord.No.90-2]

Water systems shall be constructed in accordance with Chapter 171, Water.

§ 150-47. Monuments.

- A. Improvements required. Monuments shall be placed at each change in the direction of a boundary line, two to be placed at each street intersection and one on one side of each street at angle points and at the beginning and end of curves. Utility easements shall be monumented at their beginning and at their end, and areas to be conveyed for public use shall be fully monumented at their external boundaries.
- B. Construction standards.
 - (1) Monuments shall be placed in the ground after final grading is completed at a time specified by the Zoning Administrator. Such monuments shall be of concrete, at least 36 inches in length and four inches square with a suitable center point and shall be set flush with the ground and to finished grade.
 - (2) All monuments shall be checked for accuracy by the Zoning Administrator or their accuracy certified by the owner's engineer. Accuracy of monuments shall be in accordance with the Annotated Code of Maryland.

§ 150-48. Sediment control.

- A. All subdivision plans shall be accompanied by an Erosion & Sediment Control Plan to be approved by the Cecil County Soil Conservation District.
- B. Applications for grading permit. Application shall be made by all subdividers for a grading permit to the Cecil County Building Inspector's office.

§ 150-49. Stormwater drainage.

- A. The developer shall prepare and submit to the Planning Commission a proposed design and calculations for capacities of stormwater drainage systems in any new subdivision or development.
- B. All storm drains and facilities shall be designed and constructed in accordance with the Cecil County Road Code.

§ 150-50. Minimum standards; options.

The specifications set forth above in this article are minimum standards, all of which are subject to approval or rejection by the Town Engineer in each individual application. In addition, wherever there is listed an option, such option shall be exercised by the Planning Commission upon recommendation of the Town Engineer and shall not be deemed to be an option to be exercised by the subdivider.

ARTICLE VI
Guaranties

§ 150-51. Contracts.[Amended 1-3-1991 by Ord. No.90-2]

Before the Planning Commission shall cause its approval to be endorsed upon the final plat of any subdivision (except in the case of minor subdivisions wherein the Commission imposes none of the following conditions for the approval of the plat), the Planning Commission shall require for the approval of the final plat that:

- A. Required improvements shall be completed, inspected and accepted by the Town Engineer, Board of Commissioners and other proper authorities; or
- B. The owner shall enter into a written public works agreement with the town in the manner and form set by the Town Attorney where he shall agree to:
 - (1) Construct or cause to be constructed, at his own expense, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements shown on or accompanying said final plat when required to do so by the Planning Commission in accordance with the final plats, as finally approved, and in strict accordance with the standards and specifications of the town.
 - (2) Maintain at his own cost the said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements, until the same are accepted by the town.

- (3) Obtain the easements and releases required when any street, drainage facility or other improvement within a subdivision abuts or traverses the land of persons other than the person holding legal title to the lands of the subdivision, at his own cost; and obtain from the owner of the lands so abutted or traversed full releases from all damages which may result from a change in grade, construction, or otherwise, to the street, drainage facility or other improvement, and such releases shall benefit not only from the owner of the subdivision but the town as well.

§ 150-52. Required surety.[Amended 10-13-1987 by Ord.No.87-2]

- A. In order to assure the town that the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewage facilities and other improvements shown on or accompanying said final plats will be constructed and installed in strict accordance with the plats, as finally approved, and with the standards, regulations and specifications of the town and will be maintained until accepted by the town, the owner shall furnish to the town cash or a bond with such surety as the Board of Commissioners shall approve in any amount sufficient to cover the cost, as estimated by the Town Engineer of the construction and installation of the aforesaid improvements, until the same shall be accepted by the town. The specific terms and conditions of this guaranty shall be included in the terms of the public works agreement required by § 150-51B of this article.
- B. The improvement guaranty shall be conditioned upon:
 - (1) The owner constructing and installing or causing to be constructed or installed, in strict accordance with the final plat and accompanying submittals, as finally approved, and with the town standards and specifications, the streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements shown on or accompanying said final plat.
 - (2) The owner maintaining at his own cost said streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewerage facilities and other improvements until the same are accepted by the town for public use.
 - (3) The owner being responsible for repairs for one year after said facilities are dedicated to the Town.
 - (4) The faithful performance by the owner of the contract provided for in these regulations.

§ 150-53. General provisions.

- A. Plans are required for all subdivisions in accordance with the procedures, plan requirements and design standards set forth in these regulations.
- B. The procedures specified in the following provide not only for the conditional approval of a preliminary plat and approval of a final plat but also for a preapplication tentative sketch plan. The tentative sketch plan procedure is required by the applicant but is not a prerequisite to the approval of the final plat. However, this optional procedure is strongly

recommended because it provides the applicant with an opportunity to resolve problems early in the proceedings and to make necessary modifications and revisions prior to incurring the expense of preparing a preliminary and final plat.

ARTICLE VII
Procedures

§ 150-54. Application requirements.

For the purpose of having a subdivision reviewed and approved by the Planning Commission, the applicant shall file with the Zoning Administrator the respective plans and application in accordance with this article.

§ 150-55. Tentative sketch plan.

A. Purpose.

- (1) The purpose of the tentative sketch plan is to afford the applicant the opportunity to consult early and informally with the Town Engineer, Commissioner in charge of streets and public improvements and the Planning Commission before preparation of the preliminary plat and formal application for approval.
- (2) During the tentative sketch plan procedure, the applicant can advantageously make use of the services of the administrative personnel of the town as well as the Planning Commission to help him analyze the problem of the development and plan more adequately for its sound coordination with the community. This procedure also affords town administrative personnel and the Planning Commission the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay.

B. Contents.

- (1) A tentative sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning Commission.
- (2) **[Amended 1-3-1991 by Ord. No. 90-2]** The Planning Commission may require that the tentative sketch plan include the following information:
 - (a) The name of the subdivision.
 - (b) The name and address of the owner.
 - (c) The name and address of the engineer or surveyor.
 - (d) Tract boundaries accurately labeled from deed descriptions of the property.
 - (e) The North point and date.
 - (f) Streets or other rights-of-way on and adjacent to the tract.

- (g) Significant topographical and physical features.
- (h) Proposed general street layout.
- (i) Proposed general lot layout.
- (j) Contours based on United States Geological Survey topography.

(3) **[Added 5-24-1988]** When a proposed subdivision is based wholly or partially in the Critical Area, the tentative sketch plan for that subdivision shall include the general location and areal extent of the following:

- (a) Tidal wetlands.
- (b) Streams.
- (c) Areas of steep slopes, highly erodible and other soils with development constraints.
- (d) The shore and stream Buffer (one-hundred-foot minimum).
- (e) Natural resource protection areas, including wildlife habitats, habitat protection areas, forests and developed woodlands on or in the vicinity of the proposed subdivision.
- (f) The Critical Area boundary and the applicable land management classification(s), i.e., Intensely Developed Area (IDA), Limited Development Area (LDA) or Resources Conservation Area (RCA).
- (g) Computation of the amount of acres in the Critical Area Overlay District ("O").
- (h) The location and extent of existing and/or proposed erosion control methods.

C. Procedure. **[Amended 1-3-1991 by Ord. No. 90-2]**

- (1) The applicant prepares the sketch plan.
- (2) The applicant submits six copies of the sketch plan to the Zoning Administrator at the town office. One copy shall be retained for the town files.
- (3) The Zoning Administrator checks the submission against a checklist for completeness.
 - (a) If the submission is incomplete, he immediately returns the submission to the applicant and indicates deficiencies; or
 - (b) If the submission is complete, he accepts the sketch plan.
- (4) Within 20 days following the receipt of the complete submission by the Administrator, the Planning Commission:
 - (a) Reviews the applicant's submission.
 - (b) Reviews reports by the town's engineering consultant.

- (c) Hears the applicant's presentation.
- (d) Discusses the submission with the applicant.
- (5) The Planning Commission, either the same evening or at least within 30 days following the review of the applicant's submission by the Commission, shall:
 - (a) Evaluate the applicant's submission, the presentation, the discussion with the applicant and the Town Engineer's report.
 - (b) Determine whether the sketch plan meets the objectives and requirements of the Town Comprehensive Plan, Subdivision Regulations and other regulations and ordinances.
 - (c) Inform the applicant, in writing, of the decision, including required changes in the sketch plan and the reasons for the decision.

§ 150-56. Preliminary plat.

- A. Purpose. The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions in the final plat processing.
- B. General. A preliminary plat and all information and procedures relating to it shall in all respects be in compliance with the provisions of these regulations, except where variation from them may be specifically authorized, in writing, by the Planning Commission.
- C. Contents. The preliminary plat shall show or be accompanied by the following information:
 - (1) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100'. When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the seal and signature of a surveyor licensed to practice in the State of Maryland. Incomplete plats will not be accepted by the Town. A Preliminary Plat will be not considered complete if the boundary line survey has not been completed, the Traffic Impact Study (if required) has not been completed, the documentation of the completed jurisdictional determination (if applicable) has not submitted, and the Preliminary Forest Conservation Plan and Preliminary Stormwater Management Plan have not been approved prior to submittal of said Preliminary Plat (if in the Critical Area, a Preliminary Plat will not be considered complete unless the Preliminary Environmental Assessment has been approved prior to submission of said Preliminary Plat). Incomplete Preliminary Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited.

- (2) A vicinity map indicating the location of the property with references to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. (scale shall be no smaller than 1"=2000'), and conforming to Section 2.4.4 on the designation of the remainder. The tax map, block (grid), parcel number(s) shall also be shown.
- (3) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name and recording reference shall be indicated. In the event that a historic district or other officially designated historic site adjoins the land to be developed, it shall be identified.
- (4) Title information:
 - (a) Proposed name
 - (b) Scale of Plat (feet and meters).
 - (c) Location by election district, County and State.
 - (d) Date.
- (5) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of engineer, surveyor, and corporation required.
- (6) North point. Indicate if true north.
- (7) Boundary of proposed subdivision. The boundary line survey must be completed prior to the Planning Commission's review of the Preliminary Plat. If the Preliminary Plat is signed and sealed by someone other than a surveyor licensed to practice in the State of Maryland, then the boundary line survey, signed and sealed by a surveyor licensed to practice in the State of Maryland, must be submitted separately, no later than the submission of the Preliminary Plat for review by the Technical Advisory Committee.
- (8) All existing pertinent features, either natural or manmade, that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures, and water courses.
- (9) Existing topography at two (2) or five (5) foot contour intervals. Contour lines shall be indicated one hundred (100) feet beyond the subdivision boundary. Contours shall be based on geodetic control monuments and/or bench marks, when available, within two thousand (2000) feet of property or by estimation from USGS quadrangle maps. Datum shall be stated in all cases and a reference or benchmark described on plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by the Planning Commission.

- (10) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval, as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines.)
- (11) Location of existing and proposed utilities on or within two hundred (200) feet of the tract with approximate pipe sizes and directions of slope indicated. (Should include electric, telephone and cellular phone poles or towers, and fire suppression drafting tanks.)
- (12) The layout of all proposed and existing lots with approximate dimensions and minimum building line should be indicated. All major subdivisions must be provided with coordinates consistent with the geodetic control requirements approved by the Board of County Commissioners on May 15, 2007.
- (13) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades.
- (14) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including street tree planting easements and drainage easements.
- (15) Zoning district classification of the tract or parcel being subdivided and all adjacent parcels.
- (16) Existing and proposed (schematic) drainage system, including the type(s) of structures, the floodplain, proposed stormwater management facility locations, and any deviations from standards, and pertinent features from the Preliminary Stormwater Management Plan.
- (17) If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.
- (18) The total number of lots, area of lots, the density, the total area of any open space, the total area of any common open space, any add-ons, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, per the boundary line survey, and the Preliminary Plat density shall not exceed the approved Concept Plat density.
- (19) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
 - (a) Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
 - (b) Number and types of units in each building.
 - (c) Total number of units and sub-totals of each type.
 - (d) Number of parking spaces in each off-street parking area, the space to unit ratio, and conformity to parking space minimums and maximums.

- (20) Soil types shall be shown.
- (21) Perimeter of the entire parcel, as well as the section requiring approval, if different.
- (22) For proposed subdivision located in the Critical Area, the following additional information will be shown on the Preliminary Plat as applicable:
- (a) Computation of the total area within the Critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), and number of lots in the Critical Area;
 - (b) Slopes 15 percent or greater;
 - (c) Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:
 - 1) Wet Soils.
 - 2) Hydric Soils and soils with hydric properties, and
 - 3) Highly erodible soils (soils on slopes greater than 15 percent or soils on slope greater than 5 percent with “K” values greater than 0.35).
 - (d) Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, and stormwater management facilities, as well as sediment and erosion control structures);
 - (e) Location of open space, the one hundred (100)- or two hundred (200)-foot Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
 - (f) Location of all Habitat Protection Areas on the site;
 - (g) Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
 - (h) Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches;
 - (i) Areas proposed for reforestation and afforestation;
 - (j) Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation);
 - (k) Proposed natural park areas, as appropriate; and
 - (l) The location of the Critical Area District Boundary, the Mean High Water Line and the landward edge of tidal wetlands.
- (23) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

D. Additional Information Required

In addition to the information above, the Preliminary Plat shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- (1) A Planting Plan reviewed by and addressing the comments of the Bay Watershed Forester;
- (2) A Habitat Protection Plan, including the comments of the Maryland Forest, Park and Wildlife Service, the Water Resources Administration and other agencies as appropriate;
- (3) An executed Cooperators Agreement with the Cecil County Soil Conservation District or a farm plan, as applicable;
- (4) A preliminary Sediment and Erosion Control Plan;
- (5) A Shore Erosion Protection Plan – complete specification for complete shore erosion work;
- (6) Natural Park Management Plan, as appropriate; and
- (7) A Preliminary Environmental Assessment, which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
 - (a) A statement of existing conditions, e.g. amount and type of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.;
 - (b) A discussion of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
 - (c) A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
 - (d) Documentation of all correspondence and findings.

E. Procedure

- (1) The applicant prepares the preliminary plat and application.
- (2) The applicant submits 25 copies of the preliminary plat and application to the Zoning Administrator. [Amended 1-3-1991 by Ord.No.90-2]
- (3) The Zoning Administrator checks the submission against a checklist for completeness.
 - (a) If the submission is incomplete, he immediately returns the submission to the applicant and indicates deficiencies.
 - (b) If the submission is complete, he accepts the preliminary plat, application and fees and shall note so on the application forms.
- (4) The Zoning Administrator shall immediately distribute copies of the preliminary plat and application to:
 - (a) The Town Commissioners: one copy.
 - (b) The Planning Commission: two copies.

- (c) The Town Engineer: one copy.
 - (d) [Amended 1-3-1991 by Ord. No. 90-2] The Cecil County Technical Advisory Committee (TAC): 18 copies. One copy shall be retained for the town files.
- (5) [Amended 1-3-1991 by Ord. No. 90-2] Within 20 days following receipt of the complete submission to the Zoning Administrator, the Planning Commission:
- (a) Reviews the applicant's submission.
 - (b) Reviews reports by the Town Engineer.
 - (c) Hears the applicant's presentation.
 - (d) Discusses the submission with the applicant.
- (6) [Amended 1-3-1991 by Ord. No. 90-2] The Planning Commission, either the same evening or at least within 30 days following the review of the applicant's submission by the Commission, shall:
- (a) Evaluate the applicant's submission, presentation, discussion with the applicant and the Town Engineer's report.
 - (b) Determine whether the preliminary plat meets the objectives and requirements of the Subdivision Regulations and other regulations and ordinances.
 - (c) Evaluate comments made by the Commissioners and all interested agencies.
 - (d) Inform the Applicant, in writing, of the decision, including required changes in the preliminary plan and the reason for the decision.
- (7) Approval of the preliminary plat shall constitute conditional approval of the subdivision as to character and intensity but shall not constitute approval of the final plat or authorize sale of lots or construction of buildings. Preliminary plat approval shall become null and void at the end of 18 months if a record plat covering any part thereof has not been filed.

§ 150-57. Final plat.

- A. Purpose. The purpose of the final plat is to require formal approval by the Planning Commission before plats for all subdivisions are recorded as required by these regulations.
- B. General. A final plat shall be submitted conforming to the changes recommended during the preliminary plat procedure. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these regulations except where variation from them may be specified, in writing, by the Planning Commission. Preliminary and final plat procedures may be executed simultaneously in the case of minor subdivision plats.
- C. Contents. The final plat shall show or be accompanied by the following information:

D. Required information. The Final Plat submitted for Planning Commission review and approval shall be on paper and be clear and legible. It shall not be considered complete unless the Stormwater Management Final Plan and Final Forest Conservation Plan and Landscape Plan have been approved, and all conditions of Preliminary Plat approval have been satisfied prior to submission of said Final Plat (if in the Critical Area, a Final Plat will not be considered complete unless the Environmental Assessment has been approved prior to submission of said Final Plat). Incomplete Final Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited. The Final Plat submitted for recordation shall be clearly and legibly drawn in black waterproof ink on a reproducible mylar approved by the Cecil County Office of Planning and Zoning. The minimum size of the plat shall be eighteen (18) by twenty-four (24) inches, including a recommended minimum one (1) inch margin along the left hand edge and one-half ($\frac{1}{2}$) inch margin on all other sides. Where necessary, the Final Plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted; however, each sheet shall be signed and sealed and include an approval signature block.

- (1) Title – The title block shall appear in the lower right hand corner of the plat and shall include the following information:
 - (a) Name of the subdivision. The name approved by the Town Planning Commission and recorded in the Land Records shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name.
 - (b) Section and lot numbers.
 - (c) Scale and date of completion. Scale shall be no smaller than one (1) inch equals one hundred (100) feet.
 - (d) County, State and election district.
 - (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor, and corporation required.
- (2) Approval blocks in the form required by these regulations shall be provided in the lower left hand corner of the plat for signature by the Planning Commission Chairman and Secretary, the Town Engineer, and the Health Department approving authority.
- (3) Tabulation on Final Plat (above approval block) showing the following:
 - (a) Total number of lots and/or parcels to be recorded.
 - (b) Total area of lots and/or parcels including easements and widening strips.
 - (c) Total area of roadways to be recorded.

- (d) Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development, and the total area to be recorded as common open space.
 - (e) Total area of subdivision or parcels to be recorded in the Critical Area District.
 - (f) Total number of lots in the Critical Area District.
 - (g) Residential density in the Critical Area District.
- (4) A heavy line indicating the boundary of the Final Plat with the distances of courses to hundredths of a foot and bearings relating to and consistent with the geodetic control requirements approved by the Board of County Commissioners on May 15, 2007.
 - (5) Exact locations, widths, bearings, and names of all streets and pedestrian ways within the subdivision or of adjoining subdivisions abutting on the outline of the subdivision as well as any common and community grounds.
 - (6) The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
 - (7) All easements, reservations, or rights-of-way provided for public service or utilities in the subdivision, and any limitations of such easements. All existing recorded easements, if they are in excess of a five (5) foot drainage and utility easement, shall be indicated with recording references if known.
 - (8) All lot lines with dimensions in feet and hundredths, and with bearings to a minimum accuracy of one (1) second.
 - (9) Minimum area of each lot in square feet if under one (1) acre or in acres if lot size is one (1) acre or greater.
 - (10) Coordinates shown for the outside boundary of the plat.
 - (11) Lot numbers in numerical order throughout the entire subdivision. In case there is a resubdivision of lots in any block, such resubdivided lots shall have a number and letter to denote their origin and the original lot lines shown dashed and original lot number dotted.
 - (12) Minimum rear and side building restriction lines, and minimum five (5) foot drainage and utility easements should be given by written note. The front building restriction line and the Critical Area Buffer restriction line shall be drawn graphically with dimensions for each lot.
 - (13) The names, liber and folio of all adjoining unsubdivided property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference should be indicated. (To be indicated with dashed lines.)

- (14) The plat shall contain a north arrow which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the County.
- (15) Accurate outlines of any areas to be reserved for common use by residents of the subdivision or general public use, with the purposes indicated thereon.
- (16) A certification that the owner or equitable owner of the land proposed to be subdivided shall be noted on the Final Plat.
- (17) A certification and dedication by the owner or owners of property to the effect that the subdivision as shown on the Final Plat is made with his consent and that it is desired to record the same and shall be noted on the Final Plat.
- (18) When a development is being resubdivided, the owner's certification shall be noted on the plat.
- (19) References of protective covenants governing the maintenance of undedicated public spaces or reservations.
- (20) If a community water supply or community sewerage system is to be used in a subdivision, the record plat shall contain a statement signed by the Health Department approving authority, to the effect that use of such community water supply or community sewerage system is in conformance with the Master Water and Sewer Plan. The Final (record) Plat shall also contain a statement, signed by the owner, that such facilities will be available to all lots offered for sale.
- (21) If a community water supply or community sewerage system is to be constructed to serve any new subdivision, the Final (record) Plat shall contain a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge, have been approved by the appropriate Federal, State, or County authority.
- (22) Location of minimum required septic area(s) and proposed well(s), if applicable.
- (23) Reservation of road rights-of-way.
- (24) Exact locations, widths and bearings of any common or reserved areas or portions of lots to be maintained by covenant, easement, or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas and afforested areas to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.

- (25) Exact locations, widths and bearings of any areas to be maintained as resource protection use (e.g., agriculture, natural parks, forest, etc.) to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
- (26) Locations, widths and bearings of any areas to be maintained as permanent wildlife and plant habitat protection areas to meet the requirements of the Critical Area Program and/or Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.

E. Public Improvement Plans:

- (1) The subdivider shall obtain final technical design approval of all required street and storm drain plans, water and sewer plans, and Stormwater Management Final Plans prior to submitting for Final Plat review.
- (2) Public Improvement Plans shall be signed and sealed by registered professionals licensed in the State of Maryland as designated herein:
 - (a) Professional Engineer – All engineering and grading plans, road, grading and sediment control plans, as well as community sewer and water plans.
 - (b) Land Surveyor – Survey drawings, road, grading and sediment control plans.
 - (c) Landscape Architect – Grading and sediment control plans.
- (3) Following approval, the developer shall provide the Town with three (3) sets of all Public Works Improvement Plans.
- (4) Public Improvement Plans shall be prepared in accordance with the applicable regulations relating thereto.
- (5) The developer in the Cecil County Critical Area shall prepare and submit a planting plan and/or Forest Management Plan for areas where planting is required and a shoreline protection plan for areas of eroding shore to be stabilized.
- (6) The developer shall prepare and submit a Planting Plan, Forest Conservation Plan, or Forest Management Plan as required by the Forest Conservation Regulations.

F. Procedure:

- (1) The applicant prepares the final plat and application.
- (2) The applicant submits 10 copies of the final plat and application, within one year from the date of receiving conditional approval of the preliminary plat, to the Zoning Administrator.
- (3) The Zoning Administrator checks the submission against a checklist for completeness.

- (a) If the submission is incomplete, he immediately returns the submission to the applicant and indicates deficiencies; or
 - (b) If the submission is complete, he accepts the final plat and application.
- (4) The Zoning Administrator shall immediately distribute copies of the final plat and application to:
 - (a) The Town Commissioners: one copy.
 - (b) The Planning Commission: two copies.
 - (c) The Town Engineer: one copy.
 - (d) One copy shall be retained for the Town files.
- (5) At the first regular meeting following receipt of the complete submission to the Zoning Administrator, the Planning Commission:
 - (a) Reviews the applicant's submission.
 - (b) Reviews the report by the Town Engineer.
 - (c) Hears the applicant's presentation.
 - (d) Discusses the submission with the applicant.
- (6) [Amended 1-3-1991 by Ord. No. 90-2] The Planning Commission, either the same evening or within 30 days following the review of the applicant's submission by the Commission, shall:
 - (a) Evaluate the applicant's submission, the presentation, the discussion with applicant and the Town Engineer's report.
 - (b) Determine whether the final plat meets the objectives and requirements of the Subdivision Regulations and other regulations and ordinances and of all others interested agencies.
 - (c) Inform the applicant, in writing, of the decision, including required changes and the reasons therefor.
- (7) If approved:
 - (a) The Planning Commission shall adopt a resolution approving the final plat.
 - (b) Approval shall not be final until entry into the contract and submission of the completion guaranty is accomplished, as set forth in Article VI.
 - (c) Three exact copies of the approved final plat with the required signatures as specified in this article shall be submitted to the Planning Commission. [Amended 1-3-1991 by Ord.No.90-2]
- (8) The Planning Commission shall then cause to be filed by the applicant the three prints or record with the Clerk of the Court of Cecil County and shall distribute other prints to official agencies as may be needed. [Amended 1-3-1991 by Ord.No.90-2]

§ 150-58. Modifications.

Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, there may be granted a modification of the regulations when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Comprehensive Plan, Zoning Ordinance, these regulations or any other pertinent rules, regulations or laws, of the Town. In granting modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or modified.

Any modification of these regulations for a particular subdivision or development shall be noted on the final plat.

§ 150-59. Record plat.

- A. The record plat shall be in accordance with current Cecil County standards and shall be an exact copy of the approved minor subdivision plat or the final plat on a sheet of the size required for a minor subdivision plat or final plat.
- B. The following information shall appear on the record plat, in addition to the information required in other sections of these regulations:
 - (1) Seals:
 - (a) The impressed seal of the licensed engineer or surveyor responsible for the plat.
 - (b) The impressed corporation seal, if the applicant is a corporation.
 - (c) The impressed seal of a notary public or other qualified officer acknowledging the owner's statement of intent.
 - (2) Acknowledgments: a statement to the effect that the applicant is the owner of the subdivision shown on the final plat, that the subdivision is made with his or their consent and that it is desired to record the same.
 - (3) Signatures (in black ink):
 - (a) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
 - (b) The signature of the notary public or other qualified office acknowledging the owner's statement of intent.
 - (c) The signature of the licensed engineer or surveyor who prepared the plat.
 - (d) The signature of the Chairman and Secretary of the Planning Commission.
 - (e) The signature of the Town Engineer (for major subdivisions only). [Amended 1-3-1991by Ord.No.90-2]

- (f) The signature of the Cecil County Health Department.
 - (g) The Zoning Administrator will be permitted to sign a specific record plat along with the Chairman or Secretary of the Planning Commission if one of the aforementioned parties is not able to sign the plat. This will only be allowed if the Commission has granted the Zoning Administrator this right and the Chairman or Secretary does not oppose the signing of the plat by the Zoning Administrator. A motion by the Commission must be introduced and passed to allow this to happen. [Added 2-9-1999 by Ord.No.99-1]
- (4) Effect of recording.
- (a) Street, parks and other public improvements shown on a subdivision plat to be recorded may be offered for dedication to the town by formal notation thereof on the plat, or the owner may note on the plat that such improvements have not been offered for dedication to the town.
 - (b) Recording of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public park or improvement shown on said plat, but improvements so noted for dedication may be accepted by the public through any subsequent appropriate act.

§ 150-60. Acceptance of streets and improvements.

A. Preliminary inspection.

- (1) The applicant shall notify the Town Engineer of the completion of the required improvements.
- (2) The Town Engineer shall:
 - (a) Inspect the completed required improvements.
 - (b) Submit, in writing, a report to the Board of Commissioners specifying those items of construction, material and workmanship which do not comply with the town specifications or the approved final plat.

B. Final inspection. The Board of Commissioners may and the Town Engineer shall make a final inspection with the applicant of all required improvements.

C. Acceptance.

- (1) If improvements are to be accepted by the town, the Board of Commissioners shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the town.
- (2) All improvements to be conveyed to the town shall be by deed executed by both parties, and the recording of any deed poll shall be ineffective to bind the town to acceptance of the delivery thereof unless such deed shall be signed and accepted by the President of the Commissioners and attested by the Town Administrator. The cost of recording all such deeds shall be borne by the grantor developer-owner.